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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,461	09/17/2003	Christopher J. Hopper	S*M 280	4339

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FLYNN, THIEL, BOUTELL & TANIS, P.C.  
2026 RAMBLING ROAD  
KALAMAZOO, MI 49008-1631

EXAMINER

SANTOS, ROBERT G

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

10/664,461

Applicant(s)

HOPPER ET AL.

Examiner

Robert G. Santos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003 and on 31 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 7-10 is/are rejected.
- 7) ☒ Claim(s) 3-6 and 11-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10312003</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claims 1-3, 6, 8, 11, 15 and 18 are objected to because of the following informalities:
    - 1) In claim 1, line 19; claim 3, line 8; claim 6, line 11; claim 11, line 35: The phrase --at least one-- should be inserted before the term “auxiliary”.
    - 2) In claim 2, line 4; in claim 8, line 3 and in claim 18, line 30: The phrase --at least one-- should be inserted before the term “manipulative”.
    - 3) In claim 15, lines 3 & 6: The phrase --at least one-- should be inserted before the term “longitudinally”.
- Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2 and 7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Pat. No. 6,240,579 to Hanson et al. (note especially Figures 2-4; column 4, lines 21-67 and column 5, lines 1-25).

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4. Claims 1, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 3,304,116 to Stryker. Stryker '116 shows the claimed limitations of a wheeled carriage (10) comprising a patient support (17, 18); a wheeled base (11) including at least four floor surface engaging and castered wheels (25-28) spaced from one another; an auxiliary wheel support structure secured to the wheeled base and suspendedly supporting at least one auxiliary wheel (60) about an axis transverse to the length of the wheeled base; and a control apparatus to move the at least one auxiliary wheel between at least a first deployed position whereat the at least one auxiliary wheel is in contact with a floor surface (as shown in Figure 14) and a second stowed position whereat the at least one auxiliary wheel is out of engagement with the floor surface (as shown in Figure 13), the control apparatus including at least one manipulative member (63) mounted to the auxiliary wheel support structure, the manipulative member being lowered relative to the wheeled base during movement of the auxiliary wheel to the deployed position and raised relative to the wheeled base during movement of the auxiliary wheel to the stowed position. As concerns claims 7 and 8, the reference is considered to show the use of an auxiliary wheel biasing spring (76) positioned between the wheeled base and the auxiliary wheel support structure for urging the at least one auxiliary wheel into the stowed position and wherein the control apparatus comprises a transverse control shaft (64) receiving the at least one manipulative member and located along an axis of the at least one auxiliary wheel and movable with the at least one auxiliary wheel between the stowed position and the deployed position.

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5. Claims 1, 7, 9 and 10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Pat. No. 6,256,812 to Bartow et al. (note especially Figures 1-3 & 9-13; column 5, lines 38-67; column 6, lines 1-12 and column 8, lines 8-40).

***Allowable Subject Matter***

6. Claims 3-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The examiner respectfully asserts that one of ordinary skill in the art would not have found it obvious at the time the invention was made to modify the wheeled carriage of Hanson et al. '579 to include the particular structure of the transverse control shaft linkage as explicitly recited in claim 3.

7. Claims 11-20 are objected to but would be allowable if rewritten to overcome fully the objections noted above in the first paragraph. The examiner respectfully asserts that none of the prior art, taken either singly or in combination, is seen to teach or suggest the use of a wheeled carriage including the use of a transverse control shaft positioned *in a central aperture of the at least one auxiliary wheel* and having at least one laterally oriented manually manipulative member connected thereto, wherein the transverse control shaft also *moves along with the at least one auxiliary wheel to the deployed position and to the stowed position* as specifically recited in independent claim 11 and further wherein, when the at least one auxiliary wheel is in the stowed position, application of a force to the at least one manipulative member provides a rotational force component *rotating the transverse control shaft* and a linear downwardly

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directed force component assisting in downward movement of the at least one auxiliary wheel to the deployed position as particularly recited in independent claim 18.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Heimbrock et al. '019, Hopper et al. '010, Palmatier et al. '630, Heimbrock et al. '460, Hopper et al. '224, Heimbrock et al. '523, Heimbrock et al. '359, Heimbrock et al. '926, Heimbrock et al. '165, Buiskool et al. '343, Heimbrock et al. '580 and Heimbrock et al. '111.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (571) 272-7048. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

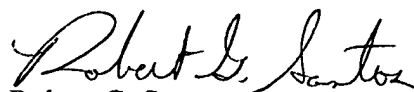
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (571) 272-7049. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in cursive script, reading "Robert G. Santos".

Robert G. Santos

Primary Examiner

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R.S.

July 25, 2005